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**Attorney for Defendant Robert Evans Mahler**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**No. 3:16-CR-00105-AA-1**

**Plaintiff,**

**v.**

**ROBERT EVANS MAHLER,**

**Defendant.**

**AFFIDAVIT OF ROBERT  
EVANS MAHLER IN  
SUPPORT OF DEFENDANT'S  
MOTION FOR JUDGE TO  
RECUSE HERSELF FROM  
CASE**

**STATE OF OREGON        )**  
                                  **) ss.**  
**County of Multnomah    )**

I, Robert Evans Mahler, having been first duly sworn do hereby depose and say:


1. I am the defendant in the above-captioned case.
2. On or about October 1, 2017, I wrote a letter to the Honorable Ann L. Aiken about how I felt threatened and afraid after meeting with AUSA Greg Nyhus and my former attorney, Sam Kauffman, at a reverse proffer held on September 23, 2017.

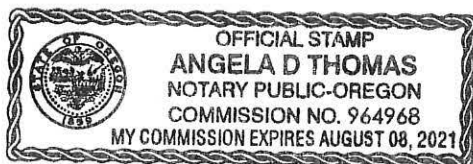
3. On November 20, 2017, I appeared at a status conference before the Honorable Ann L. Aiken. Among other things, she spoke about the letter I wrote to her to express fear and threats I experienced in my meeting with AUSA Greg Nyhus on September 22, 2017. Judge Aiken told me that I was "going to prison" no matter how hard I try to fight for my rights as a citizen of the United States.
4. I asked my attorney to get a full transcript of the status conference on November 20, 2017, and I herein incorporate by reference the full transcript of the hearing as my factual reasons why I believe that Judge Aiken is biased and prejudiced against me. Why then would she say that I am "going to prison" if I have yet to go to trial if a federal judge is supposed to make available the presumption of innocence at all phases of pretrial and trial proceedings?
5. I request that Judge Aiken remove herself from my case.

DATED this 7 day of December, 2017.

  
ROBERT EVANS MAHLER

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 2017.

  
NOTARY PUBLIC FOR OREGON  
My Notary Expires: August 8, 2021



**CERTIFICATE OF SERVICE**

I hereby certify that I have served a certified true copy of the **DEFENDANT'S MOTION FOR JUDGE TO RECUSE HERSELF FROM CASE AND AFFIDAVIT IN SUPPORT OF DEFENDANT'S TO SUPPRESS EVIDENCE AND CERTIFICATE OF COUNSEL OF RECORD** in the attached matter upon the parties listed below by notice of electronic filing using the CM/ECF System as follows:

**Gregory R. Nyhus**  
U.S. Attorney's Office  
District of Oregon  
1000 S.W. Third Avenue  
Suite 600  
Portland, OR 97204  
503-727-1118  
Fax: 503-727-1117

and filed the original with the Court on the date listed below.

DATED this 7 day of December, 2017.

**WARREN & SUGARMAN**

/s/Ernest Warren, Jr.  
**Ernest Warren, Jr. OSB No. 891384**  
Attorney for Defendant